

LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the latest publication of the state Administrative Bulletin.

*The proposed rule public hearing request deadline is October 16, 2019, unless otherwise posted.
The proposed rule written comment submission deadline is October 23, 2019, unless otherwise posted.
(Temp & Prop) indicates the rulemaking is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 07 – DIVISION OF BUILDING SAFETY PO Box 83720, Meridian, ID 83642

07-0301-1901, Rules of Building Safety. Incorporates by reference the 2018 editions of the International Building Code, International Residential Code, International Existing Building Code, and the International Energy Conservation Code.

07-0801-1901, Idaho Minimum Standards and Practices for Logging. Allows ISP and ITD to enforce these rules on public highways; updates rule by eliminating outdated terminology, equipment and practices requirements and adding updated work-related safety procedures and safety equipment requirements.

IDAPA 08 – IDAHO STATE BOARD OF EDUCATION PO Box 83720, Boise, ID 83720-0037

08-0113-1901, Rules Governing the Opportunity Program. (Temp & Prop) Amends student eligibility and application requirements to allow up to 20% of the scholarship awards to be used for individuals who have 24 or more postsecondary credits; defines “adult learner” and “graduation plan.” (eff. 8/29/19)T

08-0201-1902, Rules Governing Administration. Removes language identifying the grade range performance metrics to conform to statute; removes obsolete provisions.

08.02.02 - Rules Governing Uniformity.

08-0202-1901, Per statute details the critical components required in any suicide awareness and prevention training offered to public school personnel.

08-0202-1903, Removes outdated terminology and duplicative definitions to terminology found in statute.

08.02.03 – Rules Governing Thoroughness

08-0203-1901, Incorporates by reference the career technical education program content standards.

08-0203-1902, Per statutory requirement adds chronic absenteeism to the state longitudinal data system.

08-0204-1901, Rules Governing Public Charter Schools. Adds language to the charter renewal and performance certificate review process to clarify what happens when an authorizing chartering entity chooses not to review their performance certificate and takes no action to renew or nonrenew a charter.

IDAPA 12 – IDAHO DEPARTMENT OF FINANCE PO Box 83720, Boise, ID 83720-0031

12-0108-1901, Rules Pursuant to the Uniform Securities Act (2004). Updates references to federal law.

12-0109-1901, Rules Pursuant to the Idaho Credit Code. Updates references to federal law and regulations applicable to persons originating and servicing consumer credit transactions.

12-0110-1901, Rules Pursuant to the Idaho Residential Mortgage Practices Act. Updates references to federal law and regulations applicable to the business of mortgage origination and eliminates duplicative rules relative to disclosure requirements.

12-0111-1901, Rules Pursuant to the Idaho Collection Agency Act. updates references to federal law applicable to the business debt collections.

**IDAPA 13 – DEPARTMENT OF FISH AND GAME
PO Box 25, Boise, ID 83707**

13-0117-1901, Rules Governing the Use of Bait and Trapping for Taking Big Game Animals. Removes general requirement that diverters be used on ground set snares for gray wolf trapping, but allows Commission to require diverters in specific areas based on levels of non-target catch of animals; change requires use of both a breakaway device and a cable stop on ground set snares for gray wolf trapping.

**IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
PO Box 83720, Boise, ID 83720-0036**

16-0201-1901, Rules of the Idaho Time Sensitive Emergency System Council. Incorporates by reference the 2020-1 edition of the “Time Sensitive Emergency Standards Manual.”

16-0202-1901, Rules of the Idaho Emergency Medical Services (EMS) Physician Commission. Incorporates by reference the 2020-1 edition of the “Idaho Emergency Medical Services (EMS) Physician Commission Standards Manual.”

16-0214-1901, Rules Governing Construction and Operation of Public Swimming Pools in Idaho. Increases public swimming pool permit fees to offset cost to the Public Health Districts that run the inspection programs.

16-0301-1901, Eligibility for Health Care Assistance for Families and Children. (Temp & Prop) Provides Medicaid inpatient care services to inmates of a public institution; establishes rules for the adult population that may receive Medicaid for people 19 - 64 years of age and includes the pregnancy Medicaid program. (eff. 1/1/20)T

***16-0310-1704, Medicaid Enhanced Plan Benefits.** (*PH) Revises the reimbursement rate setting methodology for Developmental Disability Agencies (serving adults and children); Residential Habilitation Agencies; Supported Employment Agencies; and Targeted Service Coordinators.

***16-0318-1901, Medicaid Cost-Sharing.** (*PH) Aligns the Personal Needs Allowance (PNA) for all HCBS participants regardless of marital status; clarifies that Native Americans and Medicaid Workers with Disabilities are exempt from this share of cost requirement.

16-0504-1901, Rules of the Idaho Council on Domestic Violence and Victim Assistance Grant Funding. Removes obsolete language and updates language to reflect current best practices.

16-0612-1901, Rules Governing the Idaho Child Care Program (ICCP). Removes obsolete language and updates rules to align to federal regulations regarding health and safety training for providers.

**IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE
PO Box 83720, Boise, ID 83720-0043**

18-0408-1901, Individual Disability and Group Supplemental Disability Insurance Minimum Standards Rule. Provides standards for various individual disability and group supplemental disability policies; clarifies pre-existing condition language; removes medical expense coverage types; clarifies which standards apply to which type of coverage.

18-0416-1901, Rules Governing Short-Term Health Insurance Coverage. New chapter implements HB 275 regarding short-term, limited-duration insurance by defining requirements for enhanced short-term plans and nonrenewable short-term coverage, including minimum standards for benefits, rating rules, enrollment, renewability and required disclosure provisions.

18-0606-1901, Rules for the Surplus Line Regulation. Provides updated procedures for the placement of surplus lines insurance in Idaho.

**IDAPA 23 – IDAHO BOARD OF NURSING
PO Box 83720, Boise, ID 83720-0061**

23-0101-1901, Rules of the Idaho Board of Nursing. Removes provisions related to “Medication Assistant – Certified” personnel.

**IDAPA 26 – IDAHO DEPARTMENT OF PARKS AND RECREATION
PO Box 83720, Boise, ID 83720-0065**

***26-0120-1901, Rules Governing the Administration of Park and Recreation Areas and Facilities.** (*PH) Updates definitions and standards; increases fee caps on facilities; creates new fees for pets and cleaning; consolidates rules governing the winter recreational parking permit program into this chapter.

***26-0136-1901, Rules Governing the Winter Recreational Parking Permit Program.** (*PH) Chapter repeal.

**IDAPA 35 – IDAHO STATE TAX COMMISSION
PO Box 36, Boise, ID 83722-0410**

35.01.03 - Property Tax Administrative Rules

35-0103-1902, Itemizes the property categories assigned to agricultural land primary categories for equalization purposes; provides for standards for agricultural assessments and the processes to study compliance with statutory requirements to achieve market value for assessment purposes.

35-0103-1904, Codifies current practice regarding allocation of occupancy tax and part year property tax payments to urban renewal agencies and to eliminate guidance that is administratively infeasible.

35-0103-1905, Changes method of assessment for agricultural land to ensure fair and equitable assessments for farmers.

35-0201-1901, Tax Commission Administration and Enforcement Rules. Adds the interest rate for 2020 and federal rate Revenue Ruling.

**IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT
PO Box 7129, Boise, ID 83707-1129**

39-0203-1901, Rules Governing Vehicle Dealer’s Principal Place of Business. (Temp & Prop) Clarifies the appropriate procedures for the Idaho Consumer Asset Recovery (ICAR) Board and Department staff to follow when determining the outcome of claims brought forth for payout from the ICAR fund; defines “actual loss,” used in determining payout amounts that are referenced in Idaho Code; describes appeal procedures and judicial review. (eff. 8/22/19)

39-0222-1901, Rules Governing Registration and Permit Fee Administration. Clarifies and updates installment payment arrangements for commercial vehicle customers registering in Idaho; provides online methods for obtaining commercial vehicle registrations from the Department; removes obsolete language.

39-0242-1901, Temporary Vehicle Registration When Proof of Ownership Is Insufficient. Removes a requirement to sign an affidavit in the presence of the county assessor/deputy assessor to allow a second type of title (conditional title) to be issued when an applicant cannot meet standard titling requirements; removes obsolete language.

39-0275-1901, Rules Governing Names on Drivers’ Licenses and Identification Cards. Simplifies name structure in cases of marriage and divorce; removes a requirement for the specific order of a hyphenated last name when issuing driver licenses and identification cards.

39-0276-1901, Rules Governing Driver’s License Renewal-By-Mail and Electronic Renewal Process. Allows applicants to apply for a renewal or replacement driver license or identification card electronically.

39-0301-1901, Rules Governing Definitions Regarding Special Permits. Defines “disabled vehicle,” “snowplow,” and how overhang is measured.

39-0305-1901, Rules Governing Special Permits – Oversize Non-Reducible. Clarifies load allowances for standard 53 foot trailers and longer trailers for oversize non-reducible loads for drivers and carriers.

39-0306-1902, Rules Governing Special Permits for Extra-Length/Excess Weight, Up to 129,000 Pound Vehicle Combinations. Eliminates specifically referenced colors on Department maps; decreases the number of attachments for permit holders and removes the requirement for rule to be updated each time a route color is changed; clarifies the 129,000 pound route request process.

IDAPA 40 – IDAHO COMMISSION ON THE ARTS
PO Box 83720, Boise, ID 83720-0008

40-0101-1901, Rules of the Idaho Commission on the Arts. Simplifies rules; defines grant-making functions but moves the details of the grant program from rule to policy to better meet constituent needs and improve response and processing time.

IDAPA 46 - BOARD OF VETERINARY MEDICINE
PO Box 7249, Boise, ID 83707

46-0101-1902, Rules of the State of Idaho Board of Veterinary Medicine. Increases fees for active and inactive licenses and renewals.

IDAPA 55 – CAREER TECHNICAL EDUCATION/ STATE BOARD OF EDUCATION
PO Box 83720, Boise, ID 83720-0037

55-0103-1901, Rules of Career Technical Schools. Uses an enrollment-based funding structure based on capstone enrollment, number of technical skill assessments taken, and total credit hours enrolled in intermediate, capstone, and work-based learning courses; defines work-based learning and clarifies other required components of a career technical school.

IDAPA 57 – SEXUAL OFFENDER MANAGEMENT BOARD
PO Box 83720, Boise, ID 83720-0037

***57-0101-1901, Rules of the Sexual Offender Management Board.** (*PH) Amends standards and procedures for certification of providers conducting psychosexual evaluations, sex offender treatment, and post-conviction sex offender polygraph examinations on adults and juveniles;

IDAPA 60 – IDAHO STATE SOIL AND WATER CONSERVATION COMMISSION
PO Box 83720, Boise, ID 83720-0083

***60-0501-1901, Rules for Administration of the Idaho Resource Conservation and Rangeland Development Program.** (*PH) Expedites the loan process by allowing applicants to begin construction before liens are filed; allows higher maximum loan limit for applicants.

NOTICE OF ADOPTION OF TEMPORARY RULE ONLY

IDAPA 47 - STATE BOARD OF EDUCATION/DIVISION OF VOCATIONAL REHABILITATION
47-0101-1901, Rules Governing Vocational Rehabilitation Services. New chapter (eff. 8/29/19)T

NOTICE OF PROCLAMATION OF RULEMAKING

IDAPA 06 - STATE BOARD OF CORRECTION
06-0202-1901, Rules Governing Release Readiness

IDAPA 13 – IDAHO FISH AND GAME COMMISSION

13-0109-1801AP and **13-0109-1903P** - Rules Governing the Taking of Game Birds in the State of Idaho
13-0111-1901AP and **13-0111-1904P** - Rules Governing Fish

NOTICES OF NEGOTIATED RULEMAKING MEETINGS

(Please see the Administrative Bulletin for dates and times of meeting(s) and other participant information)

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

20-3002-1901, Rules Governing Mined Land Reclamation (2nd Negotiated Meeting Notice)
Chapter formerly titled: [Rules Governing Exploration, Surface Mining, and Closure of Cyanidation Facilities]

NOTICES OF PUBLIC HEARING

(Please see the Administrative Bulletin for dates and times of hearing(s) and other participant information)

IDAPA 08 – STATE BOARD AND STATE DEPARTMENT OF EDUCATION

08-0000-1900 – Rules of the State Board of Education and the Department of Education (Omnibus rulemaking for reauthorization of rules)

IDAPA 50 – COMMISSION ON PARDONS AND PAROLE

50-0101-1900 – Rules of the Commission of Pardons and Parole (Public Hearing on Omnibus rulemaking for reauthorization of rule)

Please refer to the Idaho Administrative Bulletin **October 2, 2019, Volume 19-10**, for the notices and text of all rulemakings, proclamations, negotiated rulemaking and public hearing information and schedules, executive orders of the Governor, and contact information.

Issues of the Idaho Administrative Bulletin can be viewed at www.adminrules.idaho.gov/

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